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## FACSIMILE TRANSMISSION

Total # of Pages 4 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Commissioner for Patents Examiner: Hoffman, John M. Art Unit: 1731		(571) 273-8300

**From :** Barry S. Wilson  
**Email Address :** bwilson@foley.com  
**Sender's Direct Dial :** 858.847.6722  
**Date :** April 13, 2006  
**Client/Matter No :** 034258-1201  
**User ID No :** 3067

## MESSAGE:

Re: United States Patent Application No. 09/830,888  
Our Reference: 034258-1201

Following are:

- 1) Transmittal (1 page);
- 2) Response to Restriction Requirement (2 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Vanessa E. Agha
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Cover Page 1 of 1

FOLEY &amp; LARDNER LLP

CH MR 280270 1

Atty. Dkt. No. 034258-1201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ronald Huner

Title: SURFACE-MODIFIED  
MANGANESE SULFIDE,  
METHOD FOR PRODUCING  
THE SAME AND USE THEREOF

Appl. No.: 09/830,888

Filing Date: 12/05/2001

Examiner: Hoffmann, John M.

Art Unit: 1731

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Vanessa E. Agha (Printed Name)  <i>Vanessa E. Agha</i> (Signature)  April 13, 2006 (Date of Deposit)
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**TRANSMITTAL****RECEIVED  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find:

☒ [ X ] Response to Restriction Requirement (2 pages).

The Commissioner is hereby authorized to charge the fee for the extension of time and any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 50-0872.

Respectfully submitted,

Date

04/13/2006

By

Barry WilsonFOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773Richard J. Warburg, Reg. No. 32,327  
By Barry S. Wilson, Reg. No. 39,431  
Attorney for Applicant

**RECEIVED  
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Atty. Dkt. No. 034258-1201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ronald Hiner

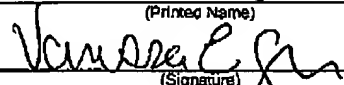
Title: SURFACE-MODIFIED  
MANGANESE SULFIDE,  
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THE SAME AND USE THEREOF

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Examiner: Hoffmann, John M.

Art Unit: 1731

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**RESPONSE TO RESTRICTION REQUIREMENT**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 14, 2006, Applicant hereby provisionally elects Group I, Claims 17-31, which according to the Examiner is "drawn to a sintering additive."

Pursuant to 37 CFR § 1.143, Applicants respectfully traverse the restriction on the basis that the claims are not linked to form a single general inventive concept. Under PCT Rule 13.1, the claims to a group of inventions may be examined together so long as each are linked to form a single general inventive concept. The idea is also embodied in 37 CFR § 1.475 which further describes the inventive concept as representing one or more special technical features that define a contribution over the prior art.

Atty. Dkt. No. 034258-1201

The Examiner alleges that Claim 17, drawn to the sinter additive, is not patentable and therefore has no special technical feature. Applicants respectfully disagree with the examiner on this point and have addressed this extensively in the last response. Applicants submit that there is no support in 37 CFR §1.471 or §1.499 for using a contested obviousness rejection to base a restriction requirement on an alleged lack of unity of invention. Reconsideration of the restriction is respectfully requested.

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 04/13/2006

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Richard Warburg Reg. No. 32,327  
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